

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.
W.A. DREW EDMONDSON, in his capacity as
ATTORNEY GENERAL OF THE STATE OF
OKLAHOMA, and OKLAHOMA SECRETARY
OF THE ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TRUSTEE FOR NATURAL
RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiffs,

vs. No. 05-CV-0329 GFK-SAJ

TYSON FOODS, INC., TYSON POULTRY, INC.,
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS, INC.,
CAL-MAINE FARMS, INC., CARGILL, INC.,
CARGILL TURKEY PRODUCTION, LLC,
GEORGE'S, INC., GEORGE'S FARMS, INC.,
PETERSON FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,

Defendants.

VIDEO DEPOSITION OF DANIEL JOSEPH PARRISH
TAKEN ON BEHALF OF THE DEFENDANTS
ON JANUARY 14, 2008, BEGINNING AT 9:37 A.M.
IN OKLAHOMA CITY, OKLAHOMA

Videographer: Stephanie Britton
Reported by: Lana L. Phillips, CSR, RPR

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1 CONTENTS

2 PAGE

3	DIRECT EXAMINATION BY MR. McDANIEL	7
4	DIRECT EXAMINATION BY MR. JANTZEN	264
5	CROSS EXAMINATION BY MR. GARREN	273
6	REDIRECT EXAMINATION BY MR. McDANIEL	289

7

8 EXHIBITS

9	EXHIBIT 1	OSCN DOCUMENTS	16
10	EXHIBIT 2	ODAFF 35:17-5	57
11	EXHIBIT 3	NRCS CODE 590	84
12	EXHIBIT 4	ANIMAL WASTE MANAGEMENT PLAN	121
13	EXHIBIT 5	ANIMAL WASTE MANAGEMENT PLAN	143
14	EXHIBIT 6	EMAIL OF JUNE 22, 2007	166
15	EXHIBIT 7	ROGER OLSEN EMAILS	178
16	EXHIBIT 8	SUMMARY OF AGENCY AUTHORITY FOR	
17		SAMPLING	190
18	EXHIBIT 9	COMPLAINT INVESTIGATION REPORT	192
19	EXHIBIT 10	OSCN DOCUMENTS	203
20	EXHIBIT 11	POULTRY LITTER TRANSFER	216
21	EXHIBIT 12	POULTRY LITTER TAX CREDIT	221
22	EXHIBIT 13	MICHAEL SMOLEN EMAIL	225
23	EXHIBIT 14	DAIRY FARM INSPECTION REPORT	236

STIPULATIONS

It is stipulated that the deposition of Daniel Joseph Parrish may be taken pursuant to agreement and in accordance with Federal Rules of Civil Procedure, on January 14, 2008, before Lana L. Phillips, Certified Shorthand Reporter.

1 **A** Yes.

2 **Q** Two, it's intended to minimize
3 agricultural nonpoint source pollution; true?

4 **A** Based upon this document, under
5 Purpose, that is checked, yes.

6 **Q** All right. The plan writer's
7 indicated that it is also intended to utilize
8 organic material as a nutrient source.

9 Agree?

10 **A** Based upon this document, yes.

11 **Q** And the last purpose, to maintain or
12 improve soil condition.

13 **A** Yes. Again, based on this document.

14 **Q** All right. Would you agree,
15 Mr. Parrish, that utilizing organic material as a
16 nutrient source and maintaining or improving soil
17 condition are the primary motivations for one to
18 make use of poultry litter on your land?

19 **A** It would certainly be some of the
20 motivations.

21 **Q** Okay. And again, as you work down
22 through the document, it indicates the phosphorus
23 content of the poultry manure that was sampled;
24 correct?

25 **A** It does, but let's -- I need to add

1 of waste per year, that is correct.

2 Q All right. Now, if the -- if the
3 violation is by a facility owner and that owner
4 is a contract poultry grower, it is that contract
5 poultry grower that's subject to the fine or
6 penalty, not that grower's integrator; correct?

7 MR. GARREN: Objection. Calls for a
8 legal conclusion or opinion.

9 THE WITNESS: Our practice is
10 compliance issues pertaining to registered
11 poultry operations. There are others that we
12 haven't talked about -- applicators -- but
13 registered poultry operations is your question.

14 The letter goes to the registered
15 poultry operation, with a compliance copy of the
16 letter going to the integrator.

17 Q (BY MR. McDANIEL) All right. If the
18 circumstance was that -- let's say there was an
19 administrative penalty assessed, a financial
20 penalty for a violation at that facility, and
21 that facility is owned and operated by a contract
22 poultry grower.

23 ODAFF looks to that contract poultry
24 grower to pay that penalty, not the integrator
25 with whom they contract.

1 Is that a true statement?

2 **A** Yes. Based upon your scenario you
3 just laid out.

4 **Q** All right. Does ODAFF have the
5 power under its rule -- excuse me.

6 Does ODAFF have the power, under its
7 rule-making powers, to change the litter
8 utilization standards in the Oklahoma portion of
9 the Illinois River watershed?

10 **A** Yes.

11 MR. GARREN: Object to form. The
12 term "use litter."

13 MR. McDANIEL: Let me rephrase.

14 **Q** (BY MR. McDANIEL) Does ODAFF have
15 the power, under its rule-making power, to change
16 the poultry Waste Utilization Standards within
17 the Oklahoma portion of the Illinois River
18 watershed?

19 **A** Yes.

20 **Q** Now, the Oklahoma legislature has
21 amended the statutes to provide for different
22 standards for land application of poultry waste
23 applicable to a specific watershed in the past;
24 right?

25 **A** Yes.

1 Q All right. Looking at this Exhibit
2 11, in the last sentence of the first paragraph,
3 it says: "Outside of watershed areas, however,
4 there are soils which can greatly benefit from
5 the application of this material which helps
6 build soil with nutrients and organic matter."

7 Did I read that correctly?

8 A Yes, you did.

9 Q Do you agree that sentence describes
10 benefits of the use of the poultry waste?

11 A Yeah. In some specific areas.
12 Because I'm the one that wrote that sentence, so
13 yes, I do believe --

14 Q Oh, you wrote the sentence?

15 A Yes, sir.

16 Q Okay. Did you write all this text
17 on this page?

18 A I believe so. It might have been
19 updated by Oklahoma State University when they
20 came on board, but most of it, yes, I did.

21 Q The -- well, since you wrote that,
22 you would agree, then, that poultry waste serves
23 not -- can serve not only as a fertilizer, but
24 also as a valuable soil amendment.

25 You agree with that?

1 MR. GARREN: Objection as to form.

2 Q (BY MR. McDANIEL) I'm sorry. There
3 was two objections -- or an objection of your
4 answer.

5 Your answer was?

6 A Yes. If all the regulations and
7 rules are adhered to.

8 Q All right. The -- all right.

9 So tell me what ODAFF is doing to
10 try to facilitate this litter utilization or
11 waste utilization.

12 A From our division standpoint --
13 we're regulatory, so -- this is one of the very
14 few things we've done in a promotional effort,
15 because we felt there was a need for it.

16 We then contacted Oklahoma State
17 University, because we didn't have enough staff
18 to keep up with our hotline and our website.
19 Oklahoma State University said if we would
20 maintain the toll-free number that people could
21 call to buy or sell, they would maintain the
22 website, they would do education and promotion on
23 it.

24 In the Department of Agriculture,
25 the Market Development division and others are